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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ralf Grottenmueller

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04/28/2009

CLARIANT CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
4000 MONROE ROAD
CHARLOTTE, NC 28205

EXAMINER

VASISTH, VISHAL V

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Applicant's response filed 2/09/2009 amended claim 1 which did not overcome the 35 USC 103 rejection set forth in office action mailed on 11/7/2008 and will be discussed below along with applicant's arguments/remarks. The office action mailed on 11/7/2008 is maintained below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable Karydas, US Patent No. 5,914,298 (hereinafter referred to as Karydas) in view of Kamigata, US Patent No. 5,118,879.

The rejection from Paragraph 3 of office action mailed on 11/7/2008 is maintained and incorporated herein by reference.

Response to Arguments

5. Applicant's arguments filed on 2/9/2009 with respect to claims 1 and 3-10 have been considered and are not persuasive.

Applicants amended independent claim 1 wherein d was changed from being 1 to now being 0 or 2 and support for this amendment was found in the Abstract of the originally filed disclosure. This, however, would not get around the prior art cited in the office action mailed on 11/7/2008, namely Kamigata. This is because the arylene group can be saturated or unsaturated and the amount of saturation can be changed based on the arylene group substituents which can also affect the number for d. For example, in Kamigata X can be a hydrogen OR a halogen or methyl or ethyl group. In a case where X is a methyl or ethyl group then you have a 7 carbon arylene and d would be equal to 0 thus reading on instant claim 1.

Applicant's also argue that the motivation to combine the disclosure of Kamigata with the composition of Karydas is improper and overreaching. This, however, is not a persuasive argument. Karydas discloses the use of perfluorinated additives and in column 2, lines 27-29 discloses that fluorinated additives have been developed to improve water repellency of hydrocarbon waxes. Kamigata discloses perfluorinated additives that can be used in compositions to enhance the water and oil repellency properties of the composition. Therefore it would have been obvious to one of ordinary

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skill in the art at the time of the invention to use the perfluorinated additives of Kamigata as the water repellent perfluorinated additive of Karydas.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VISHAL VASISTH whose telephone number is (571)270-3716. The examiner can normally be reached on M-R 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571)272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VVV

/Glenn A Caldarola/
Acting SPE of Art Unit 1797